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May 13, 2013

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
228 Russell Senate Office Building
Washington, DC 20510

The Honorable James M. Inhofe
Ranking Member
Committee on Armed Services
United States Senate
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Levin and Ranking Member Inhofe,

I respectfully request you include the following legislative and programmatic requests in the National Defense Authorization Act for Fiscal Year 2014. While recognizing the fiscal realities and restraints of this historic moment, I believe strongly that significant additional steps are needed to assure our military's strength and force structure and keep faith with the courageous, dedicated men and women who serve and sacrifice in uniform and afterwards. I appreciate your considering these requests.

Legislative Requests

Enable the Department of Defense to achieve its stated goal of the reduction and elimination of sexual assault in the military. Sexual assault in the military continues to be a pervasive problem. In 2012, the Department of Defense estimated there were over 26,000 sexual assaults in the military and that the vast majority of these assaults go unreported. In a survey of military personnel, the Department of Defense found that the major barrier to reporting a sexual assault was the stigma, shame, and fear associated with doing so. Until the victims of sexual assault in the military believe that the legal process will protect them and deliver justice, there will be no way to achieve the military's stated objective of a zero tolerance policy. To that end, the NDAA should:

- a. Incorporate both the Military Justice Improvement Act of 2013 and the Combatting Military Sexual Assault Act of 2013.
- b. Requires that a person found guilty of an offense of rape, sexual assault, forcible sodomy, or an attempt to commit any of those offenses receive a punishment that includes, at a minimum, a punitive discharge.
- c. Establish a Crime Victims' Rights Ombudsman to receive, investigate, and remedy complaints against any employee of the Department of Defense who violated or failed to provide the rights established under the Crime Victims' Rights Act of 2004, 18 U.S.C. § 3771.
- d. Establish a crime victims' compensation mechanism to help victims receive restitution. Enable military courts to order restitution from the defendant and the government through joint and several liability.

- e. Apply Military Rule of Evidence 514 to Article 32 hearings to protect victims' private communications.
- f. Require sentencing guidelines be provided to military jury trials. Without sentencing guidelines, jury panel sentences are inconsistent.
- g. Provide victims the option of submitting a sworn testimony rather than requiring them to testify in person at Article 32 hearings.
- h. Remove from UCMJ Article 66(c) the authorization for the Appellant Court to "judge the credibility of witnesses."
- i. Authorize the DoD General Counsel to develop a method, in coordination with the Joint Service Committee on Military Justice to:
 - i. Establish a consistent policy with regards to the rehabilitative potential for those found guilty of Article 120 offenses.
 - ii. Review the use and application of Article 77 of the UCMJ to crimes committed under Article 120 offenses. Article 77 eliminates the common law distinctions between principal in the first degree ("perpetrator"), principal in the second degree (one who aids, counsels, commands, or encourages the commission of an offense and who is present at the scene of the crime—commonly known as an "aider and abettor"), and accessory before the fact (one who aids, counsels, commands, or encourages the commission of an offense and who is not present at the scene of the crime).
 - iii. Review the efficacy and application across each military service of Nonjudicial Punishment for Article 120 offenses.
 - iv. Determine appropriate career and promotion management tools to encourage longer periods of service for prosecutors in military judicial proceedings to enhance the professionalization of the prosecution.
 - v. Establish a standard term of office for military judges amongst the services. Under present law, trial and appellate military judges have no statutory or constitutional tenure in office.
 - vi. Provide a written justification for the use of the authority contained in UCMJ Article 69 that "the Judge Advocate General may modify or set aside the findings of sentence or both."

Address the continuum of harm caused by permissive sexual harassment and a lack of gender equity in the military by including provisions in the National Defense Authorization Act for Fiscal Year 2014 that will:

- a. Require each military service to implement a plan to increase the participation of female service members as recruiters, and in positions of leadership within Military Entrance Processing Stations and the Reserve Officer Training Corps.
- b. Authorize a Military Occupational Specialty for Sexual Assault Response Coordinators.
- c. Require the Sexual Assault Prevention and Response (SAPR) program of each military service to share the report of sexual assaults in a timely manner with the Defense Equal Opportunity Management Institute and Equal Opportunity Officers to better focus prevention resources on units that have a permissive

environment for harassing behavior and assault. Tolerance for sexual harassment enables predation/sexual assault, yet military resources to change this organizational climate are operationally unaware of reports to SAPR. Encourage Equal Opportunity Officers to share reports of sexual harassment with the SAPR office of each military service.

- d. Authorize the Defense Advisory Committee on Women in the Services to assist service academies, including the Coast Guard, and other entry programs in building gender neutral cultures and achieving a critical mass of female cadets/midshipwomen.
- e. Require each service to establish a voluntary-to-participate mentorship program that would partner new service members with senior enlisted service members or officers as appropriate to discuss their military career path as a way to increase the diversity in candidates for leadership positions.
- f. Provide a designation that would enable all victims of military sexual assault to receive care at the Department of Veterans Affairs' health care facilities. For example, recruits who are victims of military sexual assault and do not complete basic training because of the assault are ineligible to receive care.
- g. Require that the results of the Fiscal Year 2013 NDAA-mandated annual command climate surveys be provided to the next level up in the chain of command as recommended in the 2012 annual report of the Defense Advisory Committee on Women in Service.
- h. Require the Department of Defense to address the public health crisis of binge drinking of alcohol by military personnel. The Committee could require the Department of Defense to revise DoD Instruction 1330.9 to require similar pricing with alcohol sold outside of military installations and use that up to 10% price disparity to increase substance abuse assistance programs.

Require Combat veterans to opt-out, rather than opt-in, for enrolment in the five years of healthcare and 180 days of dental care provided by the Department of Veterans Affairs. The National Defense Authorization Act of 2008 provides combat veterans with a five year window of care if they served in a theater of combat operations after Nov. 11, 1998 and were discharged under other than dishonorable conditions. However, too many combat veterans leave military service unaware of this benefit or fail to take advantage of this medical care. A requirement that combat veterans be automatically enrolled before separation from the Department of Defense in the Department of Veterans Affairs' healthcare system would cover all combat veterans and achieve the objective of the program in assisting them in their transition to civilian life with health care coverage. The Department of Defense should also be required to inform all transitioning combat veterans of this benefit.

Authorize CENTCOM to provide training and technical assistance to the Jordanian Armed Forces and Gendarme to provide enhanced security for Syrian refugees at the border, during transit, and at the Zaatari refugee camp. There have been widespread reports of the surging number of refugees at the Zaatari refugee camp, adding to its population of more than 100,000 and overwhelming the ability of the Government

of Jordan to protect these Syrian refugees. Examples of security challenges include outsiders entering the area to take advantage of the destitute refugees through the arrangement of child brides and acts of human trafficking. General Austin III, Commander of the United States Central Command, testified before the Senate Armed Services Committee on February 14, 2013, that “because the security providers at the Zaatari refugee camp are Jordanian Ministry of Interior personnel, CENTCOM would need special authorities to provide any training or technical assistance should they ask for it.”

Authorize ongoing efforts within the Department of Defense to enhance the utilization of renewable energy and improve energy efficiency. The Department of Defense spends roughly \$20 billion annually on energy costs, which accounts for roughly 80 percent of the federal government’s total energy consumption. The Defense Logistics Agency and each of the military services are currently pursuing energy initiatives to reduce fossil fuel use through innovations such as fuel cells and smart-grid generators that can conserve energy use. To that end, the National Defense Authorization Act for Fiscal Year 2014 should serve as a guide towards the adoption of such practical technology in a prudent manner that reduces dependence on fossil fuels and improves our energy security.

Programmatic Requests

1. **Item: Virginia Class Submarine**

Service/Agency: Navy **Account:** Procurement **Line #:** 3 **PE#:** N/A

Request: Support the President’s budget request of \$2,930,704,000

Justification: The U.S. Navy must maintain a submarine fleet that is of sufficient capability and numbers to defend American interests. The Navy requires the commencement of construction of two Virginia Class Submarines (SSN792 and SSN 793) in Fiscal Year 2014 to achieve its shipbuilding plan. The SSNs seek out and destroy enemy ships across a wide spectrum of tactical scenarios, working both independently and in consort with a battle group/other ships, providing Joint Commanders with early, accurate knowledge of the battlefield on which power may be projected from the sea; covert striking power against targets ashore; the capability to establish covertly an expeditionary force on land; and the maritime strength to destroy enemy naval forces and interdict seaborne commerce.

2. **Item: Virginia Class Submarine Advanced Procurement**

Service/Agency: Navy **Account:** Procurement **Line #:** 4 **PE#:** N/A

Request: Support the President’s budget request of \$2,354,612,000

Justification: The U.S. Navy must maintain a submarine fleet that is of sufficient capability and numbers to defend American interests. The Navy requires the commencement of construction of two Virginia Class Submarines in Fiscal Year 2015 (SSN794 and SSN 795), which requires the procurement of long lead-time items in Fiscal Year 2014 to achieve its shipbuilding plan. The SSNs seek out and destroy enemy ships across a wide spectrum of tactical scenarios, working both independently and in consort

with a battle group/other ships, providing Joint Commanders with early, accurate knowledge of the battlefield on which power may be projected from the sea; covert striking power against targets ashore; the capability to establish covertly an expeditionary force on land; and the maritime strength to destroy enemy naval forces and interdict seaborne commerce.

3. **Item: New Design SSN/ Virginia Payload Module**

Service/Agency: Navy **Account:** Procurement **Line #:** 112 **PE#:** 0604558N

Request: Support the President's budget request of \$121,566,000

Justification: This project incorporates a modular design for future Virginia Class Submarines (VCS) that integrates strike payload capacity for Tomahawk Land Attack and follow on missiles. The design is targeted for VCS Block V (FY19-23). In Fiscal Year 2014 the project will continue development of the Virginia Payload Module system launch control and integration with existing Virginia Class combat systems. It will integrate and automate launch processes to enable efficient launch payloads; assess launcher electronics and software design to support rapid, low-cost integration of testing payloads; and reduce overall launch electronics weight and footprint to increase the unit space for future payload electronics.

4. **Item: Advanced Submarine System Development/ Ohio Replacement Program**

Service/Agency: Navy **Account:** RDT&E **Line #:** 42 **PE#:** 0603561N

Request: Support the President's budget request of \$852,977,000

Justification: This program element includes funding for the Ohio Replacement Program. It supports design, systems engineering, prototyping and vendor qualification activities needed to develop the Common Missile Compartment design, ship design, and component development. The program maximizes the re-use of existing Ohio Class systems and new designs from the Virginia Class, focuses on Life Cycle Total Ownership Cost (TOC) affordability, and meets the military requirements established for this SSBN to achieve mission success in a challenging environment.

5. **Item: Joint Strike Fighter**

Service/Agency: Navy, Air Force **Account:** Procurement **Line#:** 1, F-35
(USAF); 5 Joint Strike Fighter (USN); and 7 JSF STOVL (USMC), 16 **PE#:**
N/A

Request: Support the President's budget request for the Joint Strike Fighter (F-35) for the Air Force, Navy, and Marine Corps.

Justification: The Air Force, Navy, and Marine Corps depend on the F-35 Joint Strike Fighter to meet the Secretary's strategic guidance of projecting power despite enhanced anti-access/area denial challenges. While the acquisition of this new aircraft has proved lengthy, it still remains the only viable path forward to equip the Air Force, Navy, and Marine Corps with a 5th generation fighter aircraft.

6. **Item: VH-71 Executive Helo Development**

Service/Agency: Navy **Account:** RDT&E **Line #:** 96 **PE#:** 0604273N

Request: Support the President's budget request of \$ 94,238,000.

Justification: Marine Helicopter Squadron One (HMX-1) is required to provide safe and timely transportation for the President and Vice President of the United States, heads of state and others as directed by the White House Military Office. Currently two Type, Model, Series aircraft are used by HMX-1 for the Presidential support mission: the VH-3D and the VH-60N. The VXX will replace the VH-3D and VH-60N. The VXX Acquisition Strategy includes pre-Milestone (MS) B risk reduction activities, capability based assessments, Concept of Operations development, specification development, system concept development, threat analysis, will cost/should cost strategies, establishing affordability targets, and recommended cost control measures.

7. Item: CH-53K Heavy Lift Replacement

Service/Agency: Navy **Account:** RDT&E **Line #:** 132 **PE#:** 0605212N

Request: Support the President's budget request of \$ 503,180,000.

Justification: The CH-53 is the only marinized heavy-lift helicopter in the world and is the Marine Corps' only heavy-lift helicopter. The CH-53 mission is to conduct expeditionary heavy-lift assault transport of armored vehicles, equipment and personnel to support distributed operations deep inland from a sea-based center of operations. The CH-53E "Super Stallion" was introduced into operations in 1980 as an upgrade version of the CH-53D. The CH-53E has developed performance degradation, fatigue life, interoperability, maintenance supportability, and other operational concerns. An improved CH-53 is needed to support Marine Air-Ground Task Force heavy-lift requirements in the 21st century joint environment. The CH-53K will provide improvements in range and payload, performance, cargo handling, turn-around times, reliability and maintainability, interoperability, and survivability.

8. Item: F-100 Engines for F-16 and F-15 Aircraft

Service/Agency: Air Force **Account:** Procurement **Line#:** 78 **PE#:** N/A

Request: Report Language regarding spare engines: "The Committee understands that the Air Force has a shortfall of spare engines for F-15E and F-16 aircraft. The Committee encourages the Air Force to fully fund this requirement at \$145,000,000.00 for 25 engines."

Justification: The Air Force has a War Readiness Engine shortfall for F-100 engines for F-15 and F-16s. The Air Force generated a spare engine requirement of 96 engines to meet the War Readiness Engines (WRE) objective for the fleet of F100-PW-229 powered aircraft. Only 66 engines are available, creating a shortfall and a documented requirement for 30 additional spare F100-PW-229 engines. This line is scheduled to shut down in 2014, so this purchase is necessary to secure long lead items.

9. Item: CSAR HH-60 Recapitalization

Service/Agency: Air Force **Account:** Procurement **Line #:** 85 **PE#:** 0605229F

Request: Support the President's budget request of \$393,558,000.

Justification: The Air Force needs to replace its aging Combat Search and Rescue aircraft with a new aircraft capable of performing the demanding personnel recovery missions, including combat rescue and casualty evacuations. The replacement of the HH-

60G fleet is a long-term solution to provide a sustainable and modern combat rescue capability that meets all United States Air Force requirements.

10. Item: UH-60 Blackhawk M Model

Service/Agency: Army **Account:** Procurement **Line #:** 11 **PE#:** N/A

Request: Increase the President's budget request of \$1,046,976,000 for 65 aircraft by \$164,000,000 to add 10 UH-60M Blackhawks.

Justification: In order to keep the average age of the fleet below 20 years old, the Army needs to recapitalize or replace more than 120 Black Hawk helicopters per year. Currently, the Army National Guard maintains an extremely disproportionate number of older model Blackhawks, and under the proposed Army plan, those rates are projected to get worse. At the end of Fiscal Year 2013, the National Guard Black Hawk fleet will be composed of 443 older, high time UH-60A models, another 289 UH-60L models with the older analog cockpit and only 72 of the newest UH/HH-60M models. These old UH-60As need to be modernized and replaced as quickly as possible for the Army National Guard Black Hawk fleet to remain viable and mission capable.

11. Item: Naval Hawk Helicopter MH-60S & Advanced Procurement

Service/Agency: Navy **Account:** Procurement **Line #:** 13, 14 **PE#:** N/A

Request: Support the President's budget request of \$383,831,000 for 18 aircraft and \$37,278,000 for advanced procurement. Report language: "The Committee is aware that the Navy has identified a number of Seahawk airframe upgrades that are currently not funded in the out-years but are critical investments as performance requirements and weight grow on the aircraft. The MH-60S and MH-60R have been in the Fleet since 2001 and 2006 respectively and are expected to remain in service as a critical Battle Group capability until at least 2030. Investing in keeping them current and relevant is important to future operational effectiveness and success. Therefore, the Navy shall report to the Committee with a plan to make improvements to these aircraft within 90 days after enactment of this Act."

Justification: The MH-60S is the Fleet Combat Support Helicopter. The Navy MH-60S procurement objective is 277 aircraft. Armed Helo and Airborne Mine Countermeasures (AMCM) have been added as primary mission areas for the MH-60S, being completed as block upgrades to the platform. Armed Helo provides the Navy with organic Surface Warfare, Force Protection, and Combat Search and Rescue capabilities. Additional Armed Helo mission areas include Special Warfare Support, Maritime Interdiction Operations, and Carrier Plane Guard. Airborne Mine Countermeasures provide an Organic AMCM capability for the Littoral Combat Ship Mine Countermeasures Mission Package. Secondary roles include torpedo and drone recovery, noncombatant evacuation operations, Navy SEAL missions, and Explosive Ordnance Disposal support.

12. Item: Naval Hawk Helicopter MH-60R & Advanced Procurement

Service/Agency: Navy **Account:** Procurement **Line #:** 15, 16 **PE#:** N/A

Request: Support the President's budget request of \$599,237,000 for 19 aircraft and \$231,834,000 for advanced procurement.

Justification: The MH-60R is the Multi-Mission Helicopter. The primary missions of the MH-60R are Under Sea Warfare and Surface Warfare. The Navy MH-60R procurement objective is 308 aircraft. The MH-60R Multi-Mission helicopter provides battle group protection and adds significant capability in coastal littorals and regional conflicts with its significant avionics improvement to the H-60 series helicopter. Airborne Low Frequency Sonar is added to enhance the existing acoustics suite. An added Multi-Mode Radar includes an Inverse Synthetic Aperture Radar mode (permits stand-off classification of hostile threats). An improved Electronics Surveillance Measures system will enable passive detection and targeting of radar sources not currently detectable. Pre-Planned Product Improvements include upgrades to communication, navigation, Identification Friend or Foe, Multi-Spectral Targeting System/Forward Looking Infrared, radar, weapons, data link, safety, maintenance, airframe, and mission planning systems.

13. Item: Utility Helicopter Mods/UH-60A to UH-60L Conversions

Service/Agency: Army **Account:** Procurement **Line #:** 21 **PE#:** N/A

Request: Increase the President's budget request of \$42,700,000 by \$20,000,000 to upgrade 15 additional Army National Guard helicopters.

Justification: Under the current Army plan, the Army National Guard units will not divest all of their UH-60As until the end of Fiscal Year 2021. These old UH-60As need to be modernized and replaced as quickly as possible for the Army National Guard Black Hawk fleet to remain viable and mission capable. The additional funding would upgrade an additional 15 helicopters of out the total 849 UH-60s in the Army National Guard.

14. Item: Suicide Prevention

Service/Agency: Air Force **Account:** Operations and Maintenance

Line#: Predictive Analytics for Suicide Prevention **PE#:** N/A

Request: \$2 million above the President's request for Suicide Prevention.

Requested Report Language: The Committee is aware that young servicemen are more than four times as likely to commit suicide than their civilian peers. Additional resources are needed to prevent suicide and provide a continuum of care. Suicide is now the leading cause of death among military personnel who have served in Iraq and Afghanistan. In the private sector, the insurance industry has had some success using predictive analytics that quantify the probability of behavioral risk using lifestyle, rather than solely healthcare based, indicators. Therefore, the Committee directs the Air Force to initiate a pilot program to utilize predictive analysis of aggregated lifestyle indicators to better focus suicide prevention efforts by predicting a propensity for behavioral risk through the analysis of lifestyle indicators that identify military personnel who may be at risk of suicide or other harmful behavior.

Justification: Suicide is now the leading cause of death among military personnel who have served in Iraq and Afghanistan. Predictive Analytics are tools used by the insurance industry to predict behavioral risk to assist in the identification of military personnel who may be at risk of suicide or other harmful behavior. Young servicemen are more than four times as likely to commit suicide than their civilian peers. Additional resources are needed to prevent suicide and provide a continuum of care.

15. **Item:** Power Equipment Assorted

Service/Agency: Navy **Account:** Procurement **Line#:** 45 **PE#:** N/A

Request: Support the President's budget request of \$61,353,000.00.

Justification: Mobile Electric Power Distribution Systems – Replacement (MEPDIS-R) provides a modernized, standard suite of electric power distribution panels and cabling assemblies to meet Marine Corps power requirements to support a variety of command and control systems and expeditionary forces.

16. **Item:** WIN-T – Ground Forces Tactical Network

Service/Agency: Army **Account:** Procurement **Line#:** 18 **PE#:** 0603782A

Request: Support the President's budget request of \$973,477,000.00.

Justification: WIN-T connects all from theater down to maneuver battalion, to joint and multinational elements, and the Defense Information System Network (DISN). WIN-T employs a combination of terrestrial, airborne, and satellite-based transport options, to provide robust, redundant connectivity. Network modernization is the Army's top priority.

I look forward to working with you on the FY2014 NDAA. Ethan Saxon of my personal staff can provide further information on these requests. He may be reached at 202-228-6765 or Ethan_Saxon@blumenthal.senate.gov.

Thank you in advance for your consideration of these requests. I truly appreciate your courage and dedication in leading the Committee and your inspiring commitment to our national security.

Sincerely,



Richard Blumenthal
United States Senate